

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE DISTRICT DENTAL SOCIETY OF THE
FIRST JUDICIAL DISTRICT, d/b/a THE NEW
YORK COUNTY DENTAL SOCIETY,

Plaintiff,

-against-

THE NEW YORK COUNTY DENTAL
ASSOCIATION, INC., ELLIOTT MOSKOWITZ,
MELVYN LEIFERT, and ROBERT RAIBER,

Defendants.

Case No. 08 CV 05062-LTS-MHD

**NOTICE OF MOTION TO
DISMISS COUNTS TWO, THREE,
FOUR, FIVE, AND SIX**

NOTICE OF MOTION TO DISMISS COUNTS TWO, THREE, FOUR, FIVE, AND SIX

PLEASE TAKE NOTICE, that upon Defendants New York County Dental Association, Elliott Moskowitz, Melvyn Leifert, and Robert Raiber's ("Defendants") Memorandum of Law in Support of the Motion to Dismiss Counts II, III, IV, V and VI of the Complaint, and the July 30, 2008 Declaration of Tamar Y. Duvdevani, Defendants, through their undersigned counsel, move this Court for an Order dismissing Counts Two, Three, Four, Five, and Six of Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

NIXON PEABODY LLP

/s/ Tamar Duvdevani
Tamar Y. Duvdevani (TD 1974)

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